THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.16721 of 2005

29-07-2005

Between:

1.Chandramma Educational Society, rep. By its President Mr.Ch.Malla Reddy, Sy.No.59, Jaya Nagar Colony, Bowenpally, Secunderabad and another

... PETITONERS

AND

1.The Government of A.P., rep.by its Principal Secretary, Higher Education Department, Secretariat Buildings, Hyderabad and others

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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ORDER:

This writ petition is filed by the petitioners aggrieved by the action on the part of the respondents 1 and 2 in not granting recognition in respect of the approval granted by the third respondent i.e., All India Council for Technical Education (AICTE).

According to the petitioners, in response to the application made by the first petitioner, the Government issued 'No Objection Certificate' and thereafter, the third respondent has considered and granted approval by proceedings dated 26.07.2005. However, in order to get the students allotted the petitioners are required to get recognition from the State Government. Therefore, the first petitioner made an application on 27.07.2005. However, as the respondents 1 and 2 did not pass any orders granting recognition and as the counselling is scheduled from 27.07.2005, the petitioners have come up with the present writ petition.

At the time of hearing, it is represented by the learned Government Pleader that in view of the policy of the Government which was made in its proceedings dated 14.12.2004, the State Government declines to grant any permissions or recognitions to any new Engineering and B.Pharmacy Colleges in view of the left over seats in respect of the existing colleges. Therefore, it is stated that the petitioners are not entitled for the relief sought for.

However, at the time of hearing, it is represented by the learned counsel for the petitioners that the proceedings of the Government

dated 14.12.2004 not to grant permission to any new Engineering and B.Pharmacy Colleges was the subject matter in a batch of writ petitions in W.P.No.3179 of 2005 and batch, which were disposed of by this Court on 28.06.2005. This Court, while disposing of the said writ petitions, set aside the Memo issued by the Government dated 14.12.2004 as illegal. In the light of the judgment of this Court, the respondents have to issue permission and they cannot refuse to grant recognition when once the second petitioner is granted approval by the AICTE.

Though the learned Government Pleader, at the time of hearing, stated that the State Government is proposing to file SLP, but on that count the respondents cannot refuse to grant recognition. It is always open to the respondents to grant recognition subject to the outcome of the appeal, if any, filed by them.

In the above circumstances, the writ petition is disposed of directing the second respondent to pass appropriate orders granting recognition to the second petitioner expeditiously, preferably within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

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29.07.2005

VGB